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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,605	09/26/2003	Louise D. Donovan	35388-94829	1964
23644	7590	07/05/2006	EXAMINER	
BARNES & THORNBURG, LLP			LEE, Y MY QUACH	
P.O. BOX 2786				
CHICAGO, IL 60690-2786			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,605

Applicant(s)

DONOVAN, LOUISE D.

Examiner

Lee Y Quach

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 and 25 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-14, 19-24 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 4, 2006 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Brass et al.

Brass et al. show a portable wand including a first visible light source (105) and a second ultraviolet radiation source (103), the first visible light source emitting visible light and the second source emitting ultraviolet radiation.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4 to 14, 19 to 22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (prior art previously cited) in view of Brass et al.

Cook discloses a substrate such as books, cards, individual sheets, printed material or the like (column 3, lines 24 to 25) comprising a first indicia (42) being visible under a visible light source (column 3, line 65 to 66) and a second indicia (44) being visible under a second light source (300) emitting black light to illuminate the second indicia, the first indicia revealed under the visible light source and the second light indicia substantially concealed under the visible light source and revealed under the black light (column 4, lines 1 to 3), a wand (figure 1) comprising the second light source emitting light in a long range ultraviolet spectrum (column 3, lines 18

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and 38) of wavelength of about 345 nm and 400nm, the first indicia coated with a first material such as visible paints or inks (column 3, lines 64 to 65, printed materials which allow the material to be visible without any special illumination), and the second indicia coated with a second material such as fluorescent paints or invisible inks (column 4, lines 2 to 3, printed materials which require illumination by light of a specified frequency) substantially concealed under the first light source and revealed under the second light source with the capability of emitting light upon illumination under black light. Note that since the wand of Cook is portable, a power source would obviously be included in the wand to supply energy to the light source. However, Cook does not disclose that the wand comprised of a first light source and a bright dim on off light control.

Brass et al. teach that it is old and known that a visible light emitting diode light source (105) emitting light in a visible spectrum of wavelengths of about 400 nm and 700 nm with a first control (121) and an ultraviolet radiation light emitting diode (103) with a second control (121) can be used in combination in a hand-held portable lightweight system for providing dual or multi purpose light sources in an easy to access single assembly (drawing figure 1) with a bright dim on off light control such as a current regulating switch or current limiting resistor (column 8, lines 6, 7, 55, 56).

It would have been obvious to one skilled in the art to provide the wand of Cook with a visible light source and a bright dim on off light control, as shown by Brass et al., so that the wand not only can be modified from a single light source usage to a dual or multi purpose light sources usage in an easy to access single assembly without the need of using additional wands to illuminate the first indicia but the light intensity can also be controlled.

Note that to have the power source at least one lithium ion battery and the location of the light sources would have been an obvious matter of preference which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to use different desirable batteries including lithium ion battery and different locations for the light sources to accommodate different intended applications.

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6. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (prior art previously cited) in view of Brass et al., as applied to claim 1 above, and further in view of Levy et al. (prior art previously cited).

Cook as modified by Brass et al. discloses the invention substantially as claimed with the exception of having means such as a fastener for removably securing the wand to the substrate.

Levy et al. teach means such as a fastener (35) for removably securing a wand (25) to a substrate (11).

It would have been obvious to one skilled in the art to provide the substrate of Cook with means such as a fastener, as shown by Levy et al., for removably securing the wand to the substrate so that not only the wand and the substrate can be handled as a unit but the wand can also be removed from the substrate to use independently as a lighting source when desired.

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohm et al. (prior art previously cited) in view of Brass et al.

Ohm et al. show a first light source (26) capable of emitting visible light, a second light source (18) capable of emitting black light (column 4, line 30), a first light diffuser (28a, column 4, line 57, a translucent material by definition allowing light to pass through diffusely) to diffuse light from the first light source, a second light diffuser (11, column 4, line 2, translucent material by definition allowing light to pass through diffusely) to diffuse light from the second light source, a first control (27) to activate and deactivate the first light source, the second control (22) to activate and deactivate the second light source, and a power source (power supply, column 4, line 18). However, Ohm et al. do not disclose that the second light source capable of emitting ultraviolet radiation.

Brass et al. teach that it is old and known that a visible light emitting diode light source (105) emitting visible light and an ultraviolet radiation light emitting diode (103) emitting ultraviolet radiation can be used in combination in a hand-held portable lightweight system for providing dual or multi purpose light sources in an easy to access single assembly (drawing figure 1) with a power source (123) for powering the visible light source and the ultraviolet radiation source.

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It would have been obvious to one skilled in the art to provide Ohm et al. with a power source inside the wand and to modify the second light source of Ohm et al. with a light source that is capable of emitting ultraviolet radiation, as shown by Brass et al., so that ultraviolet radiation can be emitted directly from the light source without extra elements to generate the fluoresce light for facilitating the maintenance of parts.

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (prior art previously cited) in view of Brass et al.

Cook discloses a method of illuminating a substrate (column 3, lines 24 to 25) by grasping a wand (figure 1) having a second black light source (300) and moving the wand by hand to illuminate the substrate having first indicia (42) visible under a visible light source (column 3, lines 65 to 66) and second indicia (44) visible under a second ultraviolet light source (300). However, Cook does not disclose that the wand comprised of a first light source emitting visible light.

Brass et al. teach that it is old and known that a visible light source (105) emitting visible light and an ultraviolet radiation source (103) emitting ultraviolet radiation can be used in combination in a hand-held portable lightweight system for providing dual or multi purpose light sources in an easy to access single assembly.

It would have been obvious to one skilled in the art to provide the wand of Cook with a visible light source including a bright dim on off light control, as shown by Brass et al., so that the wand can be modified from a single light source usage to a dual or multi purpose light sources usage in an easy to access single assembly without the need of using additional wands to illuminate the first indicia.

9. Claims 15 to 18 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service 571-272-2815.

Y. Q.
June 22, 2006



Y Quach Lee
Primary Examiner
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